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11400 BURNET ROAD
AUSTIN, TX 78758

EXAMINER

NGUYEN, CAM LINH T

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/042,107
Filing Date: January 08, 2002
Appellant(s): MACPHAIL, MARGARET GARDNER

J.B.Kraft
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/14/2008 appealing from the Office action mailed 12/11/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,674,439	Shin et al	6-2004
5,864,870	GUCK	01-1999
2003/0101230	Benschoter et al	5-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

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Claims 1 – 3, 8 – 11, 13 – 15, 20 – 23, 25 – 27, 32 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al (U.S. 6,674,439).

♦ As per claims 1, 13, 25,

Shin discloses a computer controlled database system for providing a user with database output through a user interface having predefined dimensions limiting the capacity of each iterative segment of output comprising:

- “ Database means (Fig. 2, element 30) for storing a plurality of different types of output data” See col. 10, lines 21 - 26.
 - “ Means for storing in said database data segments for each of the different types of stored data, each segment having a capacity limited by said predefined dimensions of said user interface” See Fig. 4, elements 403- 404, col. 11, lines 45 – 50, col. 12, lines 20 – 37, col. 14, lines 10 – 18. The user can set different sizes for different images/texts and they can be stored in the storage unit 404. Therefore, the setting sizes correspond to the “data segments” for each of the different types of stored data (images/texts).
 - “ Each segment having a capacity limited by said predefined dimensions of said user interface” See Fig. 1, element 10 – 11. Shin teaches that the PDA or other display screens are used in the invention. Therefore, each device has its own “predefined dimension” of user interface.
 - “ Means (Fig. 4, element 408) for providing a plurality of strings of said segments, each string including a sequence of segments of one different type of stored data” see col. 12, lines 41 - 63

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- “ Means (Fig. 4, element 401) for enabling a user to select one of said strings of segments to be output” See col. 12, lines 29 – 30.
- “Means (Fig. 4, element 412 – 413) for outputting said selected string of segments at said user interface” See col. 12, lines 57 – 63.

Shin does not expressly show the storing means in the database store different types of stored data, each segments having a capacity limited by said predefined dimensions of user interface.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The storing means in the database store different types of stored data, each segments having a capacity limited by said predefined dimensions of user interface steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store different types of stored data, each segments having a capacity limited by said predefined dimensions of user interface because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

◆ As per claims 2, 14, 26,

- “ User interface is a computer controlled display interface” See Fig. 1, element 20.
- “Said database means for storing said output data is connected to said user interface through a network” See col. 11, lines 25 – 28.

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- ◆ As per claims 3, 15, 27,
 - “Said network is the World Wide Web” see col. 19, lines 15 - 20.
- ◆ As per claims 8, 20, 32,
 - “ Said computer controlled display interface is on a receiving display station on said WWW” See Fig. 10, col. 19, lines 15 - 20.
- ◆ As per claims 9, 21, 33,
 - “Said means for providing said strings of data segments are associated with said database means connected by the World Wide Web to said receiving display station” See Fig. 10, col. 19, lines 15 - 20.
- ◆ As per claims 10, 22, 34,
 - “Said World Wide Web further includes a service provider for organizing and providing data from database sources on said World Wide Web to said receiving display station; and said service provider includes said means for providing said plurality of strings of said segments to said receiving display station” See Fig. 1, element 18 – 19, col. 9, lines 50 – 51.
- ◆ As per claims 11, 23, 35,
 - “Said receiving display station further includes means for selecting and displaying one of said plurality of strings of said segments provided to said receiving display station” see col. 9, lines 51 – 59.

Claims 4 – 7, 12, 16 – 19, 24, 28 – 31, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al (U.S. 6,674,439) in view of Randal Lee Guck (U.S. 5,864,870).

♦ As per claims 4 – 7, 16 – 19, 28 – 31,

Shin does not clearly disclose that the string includes a sequence of number of segments of image, text, video, or audio type of data. However, Shin teaches that the analyzing unit would analyze the contains of data such as linked location (col. 21, lines 65 – col. 22, line 3). Clearly, Shin implicitly teaches that if an image has relationship with another one, they should be displayed in a sequence of segments. In addition, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The string includes a sequence of number of segments of image, text, video, or audio type of data steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

On the other hand, Guck discloses a database that can organize different data formats (See Fig. 4A). Therefore, when a user selects a text file, the next level should include other text files or the sequence of the segment.

As a result, if the limitations of the above were not inherent in Shin system, it would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Guck into the system of Shin because the combination would provide the user a clearly interface of a directory information, allowing the user select information as user desired, and because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

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Claims 12, 24, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al (U.S. 6,674,439) in view of Benschoter et al (U.S. 2003/0101230).

♦ As per claims 12, 24, 36

Shin does not clearly disclose that “said receiving display station further includes means for changing the order of segments to be displayed in a selected one of said plurality of strings of segments”. However, it is well known in the art that a user can customize the display by copy and paste or drag and drop the data information. Benschoter discloses a system that allows the user to select the order of video clips to be played (See Fig. 7, paragraph 0039). Benschoter teaches different ways to rearrange the list by using the button arrow 745 to arrange the video clips or using drag-and-drop method. It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Benschoter into the system of Shin because the combination would provide the user the flexibility in arrange data item based on the user desires.

(10) Response to Argument

In Appellant’s Brief, filed May 14, 2008, Appellant argues claims 1, 13, and 25 in the same heading (see page 6 of the Brief). Accordingly, the Examiner would pick one of them in response to the argument. Therefore, the Examiner would response to claim 13, which is the method claim.

Appellant argues that the Shin reference fails to show the storing a plurality of strings of sequential data segments, each string having a plurality of segments; each segment of each of said plurality of strings of each of said different types of data has a content which fits the device display size. The Examiner respectfully disagree agrees.

Appellant's argument is unpersuasive because the Shin reference teaches that the data is stored and resized in response to the user request (see the abstract of Shin). In the Shin reference, the data is stored in the way that to save the memory or space. However, if there were multiple requests for the same data for the same display size (for example, multiple handhelds have the same display size request the data), one skill in the art would save a copy of the data (for the handheld display size) in the database in response to multiple user requests, to reduce the time processing and speed up the process. Therefore, in this case, the system would store a plurality of strings of sequential data segments, each string having a plurality of segments, each segment of each of said plurality of strings of each of said different types of data has a content which fits the device display size.

In addition, as indicated above, the Examiner found that the plurality types of data are nonfunctional descriptive material. These differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The storing means in the database store different types of stored data, each segments having a capacity limited by said predefined dimensions of user interface steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, the Shin reference in light of nonfunctional descriptive material still reads on the instant application.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Nguyen, Cam-Linh

Art Unit 2161

/CamLinh Nguyen/

Primary Examiner, Art Unit 2161

Conferees:

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

For Jeffrey Gaffin

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166